

WAF



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	David Wilkins	
Serial No.:	09/560,665	
Filing Date:	April 27, 2000	Group Art Unit: 3629
Title:	NETWORK-BASED CHILD SUPPORT FRAMEWORK	Examiner: John G. Weiss
Docket No:	60021-359701	

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail with sufficient postage and is addressed to Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 21, 2006 (37.CFR 1.8a)

Janet Byrne

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPELLANT'S REPLY BRIEF TO EXAMINER'S ANSWER

Dear Sir:

In response to the Examiner's Answer mailed on February 24, 2006.

STATUS OF CLAIMS

As set forth in the Appeal Brief, Claims 1, 2, 4-7, 9-12, 14, and 15 are pending and appealed. The appealed claims have been rejected under 35 U.S.C. 103(a) as being unpatentable over Polk (U.S. Patent No. 5,946,669) in view of "Single Parent Central" <www.singleparentcentral.com>, which was retrieved from Internet Archive Wayback Machine, <www.archive.org>, date range October 31, 1999 to January 19, 2000).

GROUNDS OF REJECTION TO BE REVIEWED

Appellants respectfully submit this Reply Brief for consideration. Appellants have addressed with their Appeal Brief each of the arguments set forth in the "Grounds of Rejection" section of the Examiner's Answer and request consideration of the Appeal Brief. Appellants now submit this Reply Brief to address the comments made in the "Response to Arguments" section on pages 6 and 7 of the Examiner's Answer.

ARGUMENT

Appellants submit this Reply Brief to address the “Response to Arguments” section on pages 6 and 7 of the Examiner’s Answer. More particularly, Appellants address the comments made in the Examiner’s Answer directed to features of paragraph (c) in each of the independent claims, i.e., claims 1, 6, and 11.

The Examiner’s Answer contains a response to the argument that the cited prior art fails to teach or suggest calculating a proper amount of the financial support payment based on both “a profile of a user” and “an amount paid to date.” Appellants have argued in the Appeal Brief that the combination of references in Polk and Single Parent Central fail to teach the two features of calculating based on two criteria, i.e., the user profile and the amount paid. The Appeal Brief demonstrates the Polk reference fails to teach or suggest calculating a financial support payment based on the combination of two distinct factors. In addition, the Appeal Brief demonstrates Single Parent Central fails to disclose calculating an actual child support payment based on a user profile because it simply provides a hyperlink to another website that only provides a one-time data estimate to obtain only a rough estimate of a potential child support payment. Because the feature of at least calculating “a proper amount” due based on at least one of the two criteria of the claim are missing from each of the references, the feature must be missing from any proposed combination.

The Examiner’s Answer argues that “Polk does suggest a calculating system, wherein the State tracks the amount of support paid by the non-custodial parent (C15 L54-59), and wherein the State and/or the system intermediary calculate the proper amount of financial support payment due (figs. 17-20, C17 L57-66, C19, L63-67).” However, the Appeal Brief contains specific references to the portions of Polk cited in the Examiner’s Answer, and demonstrates that these portions do not provide support for the argument in the in the Examiner’s Answer. Polk teaches computing the amount of child support payment due and indicating whether a payment has been made. Polk only describes tracking whether a payment has been made and does not describe using actual payments made to date as one of two parameters used to calculate an amount due. Thus, Appellants continue to assert that Polk does not support the argument in the Answer.

The Examiner's Answer also argues that "Single Parent Central discloses a detailed Child Support Calculator (pgs. 8-9), which is based on a wide variety of custodial and non-custodial information." However, the child support calculator of Single Parent Central provides only a rough estimate of support due and not a "proper amount" as set forth in the claims. Also, the child support calculator of Single Parent Central fails to teach or suggest calculating child support payments due based on the claimed feature of "an amount paid to date."

The Examiner's Answer also contains a response to the argument that the cited prior art of Polk in view of Single Parent Central fails to disclose that "the user profile includes data . . . wherein a first portion of the profile is received from the user," "a second portion of the profile is received from the database" and "wherein the user may change the data in the second portion of the profile." Appellants have argued that the cited references, either alone or in combination, fail to teach or suggest at least these features of the present claimed invention. The Examiner's Answer argues that "Polk does disclose receiving payment information (amount, date, etc., C14 L21-30) from the user (first portion of the profile) and a second portion of the profile is received from the database (Initiator Database, C14 L35-40; Disbursement Database, C14 L35-57)." However, Polk does not teach or suggest the claimed features of "receiving payment information from the user." Instead, Polk teaches that the transactions are recorded from state and bank records, and not from the user as set forth in the claim.

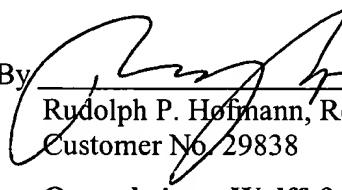
The Examiner's Answer also argues that "Polk also discloses wherein the user the user may change the data in the second portion of the profile (C14 L21-57 –once payment is made, the Disbursement database (payments mad/disbursed –second profile) is updated to reflect historical information)." However, the cited portion of Polk involves an employee authorizing an employer to withhold funds from a salary for child support, and the employer converting the withholding into a file. The authorization of withholding in the file does not teach that "the user may change the data in the second portion of the user profile" as set forth in the claim.

For at least the reasons above, Appellants respectfully submit that the arguments presented in the Appeal Brief and in the Reply Brief demonstrate that the appealed claims are patentably distinguishable over the prior art of record.

Should any additional fees be necessary, the Commissioner is hereby authorized to charge or credit any such fees or overpayment to Deposit Account No. 50-1901 (Reference #60021-359701).

Respectfully submitted,

By


Rudolph P. Hofmann, Reg. No. 38,187
Customer No. 29838

Oppenheimer Wolff & Donnelly LLP
45 South Seventh Street, Suite 3300
Minneapolis, Minnesota 55402
Telephone: 612.607.7340
Facsimile: 612.607.7100
E-mail: RHofmann@Oppenheimer.com